

## THE CITY OF CLAYTON

Board of Aldermen  
City Hall – 10 N. Bemiston Avenue  
September 23, 2014  
7:11 p.m.

### Minutes

Mayor Sanger called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Michelle Harris, Cynthia Garnholz, Mark Winings, Joanne Boulton, Alex Berger III, and Rich Lintz.

Mayor Sanger  
City Manager Owens  
City Attorney O'Keefe

**Alderman Winings moved to approve the September 9, 2014 minutes. Alderman Garnholz seconded.**

**The motion to approve the minutes passed unanimously on a voice vote.**

### PUBLIC REQUESTS AND PETITIONS

None

### MOTION – TO CONSIDER APPROVING A LIQUOR LICENSE FOR CANTINA LAREDO LOCATED AT 7710 FORSYTH BOULEVARD

City Manager Owens reported that Cantina Laredo Clayton, L.P. is requesting a liquor license to sell all kinds of intoxicating liquor at retail by the drink, including Sundays, at 7710 Forsyth Blvd., Clayton, MO 63105.

The Police Department has completed its review of the application and supports the issuance of the requested license. The Planning and Development department has also approved the application with no objections.

The applicant has chosen not to submit a petition from surrounding property owners and first floor tenants. As a result, they are aware that this application must have a super majority vote of five Board members in order to be approved. Staff has requested that a representative be in attendance at the meeting.

Staff recommends passing a motion to approve the liquor license to sell all kinds of intoxicating liquor at retail by the drink, including Sundays.

In response to the Board's questions, Josh Santiago, General Manager, stated that they are scheduled to open the restaurant on November 11<sup>th</sup>.

**Alderman Harris moved to approve a liquor license for Cantina Laredo. Alderman Garnholz seconded.**

**The motion passed unanimously on a voice vote.**

### 2<sup>ND</sup> READING OF ORDINANCE AUTHORIZING THE SALE AND ISSUANCE OF SPECIAL OBLIGATION REFUNDING BONDS, SERIES 2014

City Manager Owens and Janet Watson reported that the City currently has two outstanding issuances which together are viable for refunding. These are Series 2005A and Series 2007 bonds. The refunded bonds will mature in FY 2019.

The City's Standard & Poor's AA+ credit rating for Special Obligation bonds was recently upheld through a rating review. A rating of AA+ is the best possible rating for Special Obligation Bonds and this will allow the City to receive the best sales price and rates on these bonds.

In accordance with the Notice of Bond Sale, sealed bids were received at 10:00 a.m. today for the purchase of the \$7 million in bonds from various banks and investment firms. Bids were as follows:

<u>Bidder</u>	<u>True Interest Cost</u>
Morgan Stanley & Co. LLC	0.748112%
UBS Financial Services, Inc.	0.756101
Southwest Securities, Inc.	0.778909
Hutchinson, Shockey, Erley & Co.	0.824221
Janney Montgomery Scott, LLC	0.842873
BMO Capital Markets	0.866334
Stifel, Nicolaus & Company, Incorporated	0.930261
Robert W. Baird & Co., Inc.	0.937419
Fifth Third Securities, Inc.	1.010223

At final sale, the bonds were actually issued at \$6.735 million. Refunding these two issuances together generated interest savings of approximately \$438,000 over the remaining short life of these bonds. This savings was greater than first estimated.

The attached ordinance and related documents have been revised for final Board approval. The attached ordinance authorizes and directs the issuance, sale and delivery of the \$6.735 million in Special Obligation bonds.

Staff recommends approving an ordinance authorizing the sale, issuance and delivery of Special Obligation Refunding bonds in the amount of \$6.735 million.

**Alderman Harris moved to approve Bill No. 6463, Authorizing and Directing the Issuance, Sale and Delivery of Special Obligation Refunding Bonds, Series 2014 Thereto, to be read for the second time by title only. Alderman Garnholz seconded.**

**City Attorney O'Keefe reads Bill No. 6463 second reading, an Ordinance Authorizing and Directing the Issuance, Sale And Delivery Of Special Obligation Refunding Bonds, Series 2014 Thereto.**

**Alderman Harris – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; Alderman Lintz – Aye; and Mayor Sanger – Aye. The Bill was adopted and became Ordinance No. 6337 of the City of Clayton.**

**2<sup>ND</sup> READING OF AN ORDINANCE AUTHORIZING THE SALE AND ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2014, AND AUTHORIZING A PROPERTY TAX LEVY TO SUPPORT THE DEBT SERVICE PAYMENTS ON THE BONDS**

City Manager Owens and Janet Watson reported that on April 8, 2014, voters approved the issuance of \$15 million in General Obligation Bonds for street resurfacing, and streetlight and alley improvements. On August 12, 2014, the Board of Aldermen approved these bonds to be sold.

The City's Standard & Poor's AAA credit rating for General Obligation bonds was recently upheld through a rating review. A rating of AAA is the best possible rating and this will allow the City to receive the best sales price and rates on these bonds.

In accordance with the Notice of Bond Sale, sealed bids were received at 11:00 a.m. today for the purchase of the \$15 million in bonds from various banks and investment firms. Bids were as follows:

<u>Bidder</u>	<u>True Interest Cost</u>
Janney Montgomery Scott LLC	2.797530%
Southwest Securities, Inc.	2.802409
Morgan Stanley & Co. LLC	2.820068
William Blair & Company, LLC	2.839803
Robert W. Baird & Co., Inc.	2.854473
Hutchinson, Shockey, Erley & Co.	2.900513
Stifel, Nicolaus & Company, Incorporated	2.947776

The ordinance and related documents have been revised for final Board approval. The ordinance authorizes and directs the issuance, sale and delivery of the \$15 million in bonds, and authorizes a supporting property tax levy in an amount to be approved each year to pay the principal and interest on the bonds.

Staff recommends approving an ordinance authorizing the sale, issuance and delivery of General Obligation bonds in the amount of \$15 million, with a supporting property tax levy.

**Alderman Harris moved to approve Bill No. 6464, to consider Authorizing and Directing the Issuance, Sale and Delivery of General Obligation Bonds, to be read for the second time by title only. Alderman Garnholz seconded.**

**City Attorney O'Keefe reads Bill No. 6464 second reading, an Ordinance Authorizing and Directing the Issuance, Sale And Delivery Of General Obligation Bonds.**

**Alderman Harris – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; Alderman Lintz – Aye; and Mayor Sanger – Aye. The Bill was adopted and became Ordinance No. 6338 of the City of Clayton.**

**A RESOLUTION TO CONSIDER APPROVING A TAX-ADVANTAGED FINANCING COMPLIANCE POLICY AND PROCEDURE FOR THE CITY OF CLAYTON, MISSOURI**

City Manager Owens and Janet Watson reported that in exchange for the right to issue tax-advantaged bonds at favorable rates and terms, the IRS imposes on-going compliance requirements on all issuers. Previously, some of these requirements were written into each issuance. A current best practice is to establish one centralized policy and procedure for compliance reporting for all tax-advantaged bond issuances.

The policy covers several aspects of compliance, including:

- Definitions of important terms;
- General scope of the policy;
- Assignment of Bond Compliance Officer responsibility;
- List of all bond issuances covered by the policy;
- Outlines the legal and financial procedures for new issuances;
- Establishes the procedure for on-going monitoring of compliance; and,
- Establishes the type of filings required for continuing disclosure.

Staff recommends approving a resolution approving a Tax-Advantaged Financing Compliance Policy and Procedure.

**Alderman Harris moved to approve Resolution No. 14-23, a Tax-Advantaged Financing Compliance Policy and Procedure. Alderman Garnholz seconded.**

**The motion passed unanimously on a voice vote.**

#### A RESOLUTION TO CONSIDER APPROVING THE PARKLET FINAL DESIGN AND LOCATION

City Manager Owens reported that during the July 8, 2014 Board of Aldermen meeting a contract was approved with Pinnacle Contracting for the design and construction of a parklet. The Mayor and Board of Aldermen requested they select the final design and location for the parklet.

The Board reviewed three design options with associated costs for each. In addition, staff recommends initially locating the parklet in front of Barcelona.

Staff recommendation is to approve the resolution.

In response to Alderman Harris' question, City Manager Owens confirmed that currently there will be only one parklet.

In response to Alderman Berger's question, Gary Carter clarified that the bid cost of \$23,500 was for the platform only which did not include the side walls.

**Alderman Harris moved to approve Resolution No. 14-24, the final design and location of the parklets. Alderman Garnholz seconded.**

**The motion passed unanimously on a voice vote.**

#### ORDINANCES - TO CONSIDER APPROVING REZONING AND A PLANNED UNIT DEVELOPMENT THE CROSSING, 212, 214, 216 SOUTH MERAMEC AVENUE AND 7912, 7922 BONHOMME AVENUE

City Manager Owens reported that this is a continuation of a public hearing to solicit input regarding a proposed rezoning and related Planned Unit Development to be granted to GTE Properties, LLC, for a mixed-use development, currently known as The Crossing, at the southeast corner of South Meramec and Bonhomme Avenues (properties addressed 212, 214 & 216 South Meramec Avenue and 7912 & 7922 Bonhomme Avenue).

This memorandum combines the two subjects because they are interrelated; however, separate ordinances are prepared for each. This project also requires approval of a subdivision plat by the Board of Aldermen.

On September 9, 2014, the Board of Aldermen considered the Rezoning, Planned Unit Development, and an appeal of the Architectural Review Board's previous denial, and voted to refer all three items back to the Plan Commission/Architectural Review Board for their review and recommendation.

On September 15, 2014, the Plan Commission/Architectural Review Board considered the revised plans and voted 4-2 to recommend approval of the rezoning, Planned Unit Development and architectural elements to the Board of Aldermen.

Based on comments received at the previous meetings, the applicant made revisions to the plans. All other aspects of the plans remain the same.

The Plan Commission considered this request at their meetings of August 18, 2014, September 2, 2014, and September 15, 2014, and voted at the September 15<sup>th</sup> meeting to recommend approval of the rezoning and Planned Unit Development to the Board of Aldermen per the conditions now contained in the Ordinance.

Recommendation is to approve the rezoning and Planned Unit Development Ordinances per the specified conditions.

Mayor Sanger explained that the public hearing was held at the September 9, 2014 Board of Aldermen meeting where they heard public comments. He stated that there are several items on tonight's agenda that will be discussed and explained that although this is not a public hearing he will allow public comments on the subject.

Alderman Winings suggested that it would be more efficient to have a discussion on all of the items related to the project before allowing public comment.

Jerry Crylen, Jack Holleran, GTE Properties, owner under contract/developer, Kyle Wilson Senior Designer, Rob Klar, Armstrong Teasdale, Len Meers was in attendance to answer any of the Board's questions.

Mr. Crylen addressed the Board noting five key matters; (1) the experience of the development partnership; (2) the public benefits; (3) the tax impact; (4) the parking matter; and (5) discussion on the architectural changes requested, required and approved by the Plan Commission.

Mr. Crylen presented a handout of several residential developments that his partners have led; he pointed out public benefits to the community such as increasing the ridership for Metro Transit, consolidating underutilization of current properties, retaining and attracting employees, and creating direct/indirect tax revenue.

In response to Alderman Lintz's question, Mr. Crylen stated that his company and his development partners will work on a day-to-day basis; that they are not just financial partners.

Robert Klar, Attorney, Armstrong Teasdale, addressed the Board and summarized the parking plan. He said that they will have 221 parking spaces, and an additional 150 spaces have been worked out through St. Louis County at the Shaw Park garage.

At City Attorney O'Keefe's request, Mr. Klar also explained that due to a request from the owner of The Crossings Restaurant there has been a revision to the Development Agreement and the developer has agreed to not use the words "The Crossing" for the project.

Jack Holleran addressed the Board and showed the changes to the design. He said that he has worked with the Public Works staff and relocated the handicapped parking, added two metered spaces, added three street trees, and widened the pavement in front of the building.

In response to Mayor Sanger's question, John Wulf explained that the new parking locations will indicate a maximum of 15 minutes (meter) and that there is no need to sacrifice sidewalk space due to the "bump out" associated with creating an accessible route.

In response to Alderman Boulton's question, Kyle Wilson stated that the building will accommodate 30 bikes in the bike room, but is exploring a new kind of bike rack to hold more. Alderman Boulton commented that she feels they underestimated the number.

In response to Alderman Berger's question regarding special needs drop-off location, Mr. Holleran explained that the location was moved to accommodate drop-off closer to the retail.

Mayor Sanger reminded everyone that the Board rejected the handicap drop-off area from being in front of the door because they felt that short-term parkers would take advantage of the space to run inside the building.

Alderman Berger stated that he understands that consideration. but that Clayton also should consider accessibility of the lobby and that he doesn't agree with moving the location further away from the front door.

Mr. Holleran commented that the handicap locations are required by the City.

Lenny Meers, Grimes Consulting Engineers addressed the Board, stating that they have consulted with Public Works and explained that because there were two driveway entrances they were restricted to the alley corner.

In response to Mayor Sanger's question, Mr. Crylen stated that they will have a door man.

Mr. Holleran showed the Board a depiction of the design that shows the designated space for the artistic bike racks, one located adjacent to the entry to the residential and another bike rack on the corner.

Mayor Sanger noted that with new construction staff will be consulting with the City's Public Art Advisory Committee on the proposed artistic bike racks.

In response to Alderman Berger's question regarding the coordination of windows with the columns of the building, Mr. Holleran explained that when they worked the elevations and created more glass for the project, they worked on the vertical elements to make certain that they were all the same width (per the ARB request).

Dan Phillips, resident, addressed the Board stating that he is happy to hear of the developer's partnership with CA Ventures that was mentioned earlier. He stated that he is opposed to the project and that if the Board approves the project he is prepared to file a petition to call for a referendum to repeal the Board's decision.

Erwin Shane, resident, addressed the Board with his concerns regarding the proposed parking spaces. He feels that the spaces are underestimated and inadequate.

Norton Hoffman, resident and member of the Economic Development and Advisory Committee, addressed the Board stating in terms of sales tax benefits and the benefit to retail sales. He clarified that this project could realistically generate over \$1.6 million in retail sales. He said that residential density is part of the fundamental keys to the City's success which Sasaki proposed. The integrity of the developmental team is important to consider including that a member of the team is a Clayton resident and houses his business here in Clayton. The project makes sense and from a retail point of view, this is a powerful step forward.

Lou Fishbien, resident, addressed the Board stating his concerns regarding the 50% tax abatement which sets a precedent for future development. The abatement will put a burden on the residents, businesses, and school system.

Mayor Sanger clarified that with the 50% abatement it will in turn generate several hundred thousand dollars. Jim Fredericks, 7300 Westmoreland, University City resident, addressed the Board stating that he has worked in Clayton for over 20 years and has been a real estate/development attorney for over 30 years. He said that he strongly supports the approval of the project. He said that the City needs to grow and that employers need this type of housing. He is a member of the executive board for Citizens for Modern Transit and is excited to see this Transportation Oriented Development (TOD) project and without it some cities would fall apart.

Kristin Reddington, Board of Education, addressed the Board with her concerns regarding the tax abatement as it relates to the loss of taxes for the Clayton School District.

Mayor Sanger expressed that the City has a special relationship with the School District and they will continue to work together. He stressed that the City values the relationship and assured them that they are a critical part of the community.

Jason Biel, resident, critic with the West End Word, addressed the Board with concerns of the quality of the project. He stated that he is in favor of mixed-use development, but approving tax abatement will set precedence for future tax abatement. He commented that the city should grow smart, not standard.

Joe Connelly, resident, owner of two of the buildings in the proposed project, addressed the Board stating that the buildings are old, small and produce very little rent. He said that the future is important and the project meets the Master Plan design. He urged the community to take a chance.

Jim Datema, Davis Place resident, addressed the Board applauding the developers for their perseverance. He stated that the project is consistent with the TOD and the City's Master Plan as presented by Sasaki. He said that the project allows for the younger generation an affordable place to live.

Marshall Mercer addressed the Board expressing his opposition to the tax abatement and project. He said that the project/design has no "wow" factor. He agrees that the city needs development, but this is not the development that it wants.

Pam Wiese, resident, addressed the Board stating that she lives in a high-rise that faces west of the project and is concerned with parking, traffic, drop-off points, deliveries and services. She urges the Board to wait for the right investment.

Mark Alper, resident, addressed the Board in favor of the project. He disagrees that the building is unattractive and the developer made the required changes. The project will attract younger people (i.e. Washington University, etc.) and meets the Master Plan. He urged the Board to approve the project.

Brad Bernstein, BOE member, addressed the Board with concerns of the tax abatement as it relates to the School District.

Rick Bliss, resident, addressed the Board with concerns about the lighting on top of the building and how it can be intrusive.

Joan Faulk, resident, addressed the Board with her opposition of the tax abatement.

Linda Horn, resident, addressed the Board with concerns of the future of MetroLink.

Mayor Sanger commented that MetroLink does have future plans to expand and have allocated \$10 million towards future expansion.

**Alderman Harris introduced Bill No. 6465, an ordinance to consider rezoning of 7912 & 7922 Bonhomme Avenue, 212, 214 & 216 S. Meramec Avenue from High Density Commercial (HDC) to a Planned Unit Development (PUD) District to be read for the first time by title only. Alderman Garnholz seconded.**

**City Attorney O'Keefe reads Bill No. 6465 first reading, An Ordinance Providing for the Rezoning of Certain Properties Located at 212, 214, and 216 South Meramec Avenue and 7912 and 7922 Bonhomme Avenue from Central Station Transit Oriented Development (TOD) District (Base Zoning Designation of High Density Commercial) to a Planned Unit Development District, and Providing for the Change in the Zoning Map of the City of Clayton, Missouri; and Other Actions Related Thereto.**

**The motion passed unanimously on a voice vote.**

**Mayor Sanger moved that the Board approve consideration of Bill No. 6465 for passage at tonight's meeting. Alderman Garnholz seconded.**

**The motion passed unanimously on a voice vote.**

**Alderman Harris introduced Bill No. 6465, an ordinance to consider rezoning of 7912 & 7922 Bonhomme Avenue, 212, 214 & 216 S. Meramec Avenue from High Density Commercial (HDC) to a Planned Unit Development (PUD) District to be read for the second time by title only. Alderman Garnholz seconded.**

**City Attorney O'Keefe read for the second time and consideration in passing Bill No. 6465, An Ordinance Providing for the Rezoning of Certain Properties Located at 212, 214, and 216 South Meramec Avenue and 7912 and 7922 Bonhomme Avenue from Central Station Transit Oriented Development (TOD) District (Base Zoning Designation of High Density Commercial) to a Planned Unit Development District, and Providing for the Change in the Zoning Map of the City of Clayton, Missouri; and Other Actions Related Thereto.**

**Alderman Harris – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; Alderman Lintz – Aye; and Mayor Sanger – Aye. The Bill was adopted and became Ordinance No. 6339 of the City of Clayton.**

*Mayor Sanger statement, "I admit that I was trying to figure out over the past few weeks how to vote no for this project. We are here to service the community, we are here not just for neighbors in a specific neighborhood but our charge is for the benefit of the entire City of Clayton. We go back to 2009 there was a movement to change our Master Plan, our view of what the future would be in Clayton. For a year and a half we had public hearings, we had specific meetings with developers, we had specific meetings with trustees, we had general meetings with the general public and through all of that input changes were made to the draft that was presented to us by Sasaski who was a professional in this field in terms of urban development. We twisted and we turned that Master Plan over a long period of time. I'm going to say, and I'm not going to embarrass anybody, but I doubt that two or three people in this room ever attended those meetings. But yet here we are three years later after the Master Plan has been accepted that people are now objecting to a particular project that specifically meets the requirements and the desires of this Master Plan. I wish you all had been there in 2009 or in 2010 when this plan was adopted, but to come into the procedure at this point because of specific, incidental, as far as I'm concerned, issues is a disingenuous effort to derail a project that exactly meets our requirements. This is a TOD project, a Transit Oriented Development which is on wild fire across the country and we are one of the only places in the country where development has not drawn like a magnet to transit stations. Perhaps this is the beginning, perhaps this is something that we will enjoy having and whether the people in there all have cars, or don't have cars that is the issue that the developer and the owner of the building is going to have to deal with. Personally in speaking to the millennial generation people they are all very in favor of this type of project. There are couples who want to own one car or no cars and prefer to have access to Zip cars which I actually just saw in Washington DC where my daughter lives. Where they don't have extensive parking, but they have Enterprise's Zip Car program and if they need to go to the hardware store they get the Zip Car, they go, they come back and they're done. There are more ways to unpeel this onion than just saying we are a car society in St. Louis and we will always be a car society in St. Louis. I'm sorry, I really don't believe all of that, and to take one little step back, just quite a bit longer ago, I should have brought the picture, but I have a photograph going back into the 1960s when commercial buildings were proposed. A commercial building was proposed on Maryland Avenue, it was the Continental Insurance Company and it was being built between Tipton and Brighton and the residents of Clayton Gardens came out with picket signs saying 'this is the end of Clayton that we know and love and we will become a suburb of Ladue'. Well let's just think of what would have happened if the aldermen at that time who had a great vision, had said okay we're going to listen to this little group of residents because they are objecting and we're not going to let Continental Insurance build their building on Maryland Avenue. We would have never had a Pierre Laclede building; we would have never had all of the other ones that came with it. Is this project perfect? No. This is not a perfect project, but I would challenge you to look at any project in Clayton and say that is perfect because everybody has a different opinion to what is perfect. This project fulfills the requirements of the Downtown Master Plan and it is in my opinion that it looks great, it does not look like The Crescent, it does not look like The Plaza at The Ritz, but I have to say in terms of my business sense, if all of the applications to that building were to be made to make into something that we would all cheer about the rent structure would be such that the people*



*we're after wouldn't be able to afford to go there. So to say is it an acceptable building I think that it is more than acceptable. And in terms of the financing, I just state in a public manner that this does not set a precedent for any other project. We will look at every project that comes along and make a determination at that time whether or not there is a need, either for the project or other financing in terms of future taxes. Let us not forget that this project develops hundreds of thousands of dollars more than it would if nothing was there and it's very easy to say well forget it we'll just let another building be built and give them no break, but it's their 'first olive out of the bottle'. It's the beginning of construction and the revenue that our businesses are in desperate need of to maintain the vibrancy in our downtown markets and we are here to support those businesses and to represent the entire community of Clayton."*

**Alderman Harris introduced Bill No. 6466, an ordinance to consider approving the Development Plan of GTE Properties, LLC for the Crossing Project to be read for the first time by title only. Alderman Garnholz seconded.**

**City Attorney O'Keefe read Bill No. 6466 first reading, an Ordinance Approving the Development Plan of GTE Properties, LLC, for the Crossing Project, Therefore Subject to the Requirements Set Forth in the Code of Ordinances of the City of Clayton, Missouri; and Other Actions Related Thereto.**

**City Attorney O'Keefe noted a correction to the title, remove "therefore". He also called to the Board's attention that the legislation previously circulated but not previously introduced has been supplemented with this current version and there are two additional requirements addressing sustainability and public art which has been added to the draft previously circulated at the time of the last meeting. Therefore the bill was not introduced and does not require an amendment.**

**In response to Alderman Garnholz's question, City Attorney O'Keefe clarified that the ordinance is to approve the Development Plan.**

**Alderman Lintz moved to amend Bill No. 6466, Section 1B(11), to read *"That the plans and construction of the Project be sufficient to attain, at a minimum, a level 1 Green Globes certification or LEED certification for environmental performance and sustainability."* Alderman Boulton seconded. The motion passed unanimously on a voice vote.**

**City Attorney O'Keefe explained that the motion is carried and the bill is amended in that regard. It is in his view that is not an amendment of such substance as to in any significant manner change the character of the pending legislation which it would require it to be "laid over" under the City's Charter and he assumes (asks) if this is the intent of the maker of the motion.**

**Alderman Lintz responded "correct".**

**Mayor Sanger moved that the Board approve consideration of Bill No. 6466 for passage at tonight's meeting. Alderman Garnholz seconded.**

**The motion passed unanimously on a voice vote.**

**Alderman Harris introduced Bill No. 6466, an ordinance to consider approving the Development Plan of GTE Properties, LLC for the Crossing Project to be read for the second time by title only. Alderman Garnholz seconded.**

**City Attorney O'Keefe read Bill No. 6466 second reading and consideration for passage, an Ordinance Approving the Development Plan of GTE Properties, LLC, for the Crossing Project, Subject to the Requirements Set Forth in the Code of Ordinances of the City of Clayton, Missouri; and Other Actions Related Thereto.**

**Alderman Harris – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; Alderman Lintz – Aye; and Mayor Sanger – Aye. The Bill was adopted and became Ordinance No. 6340 of the City of Clayton.**

**A MOTION TO CONSIDER AN APPEAL FROM ARCHITECTURAL REVIEW BOARD ACTION FOR 212, 214, 216 SOUTH MERAMEC AVENUE AND 7912, 7922 BONHOMME AVENUE (THE CROSSING)**

City Manager Owens reported that this is an appeal of the Architectural Review Board's decision to deny an application from Jack Holleran, GTE Properties, LLC (owner under contract).

At the September 2, 2014 Plan Commission/Architectural Review Board meeting, the Architectural Review Board considered the design and materials associated with a proposed 26-story (approximately 280 foot tall), 376,109-square-foot mixed-use building containing 9,725 square feet of first floor retail, 250 residential units, and 212 structured parking spaces. The proposed building consists of storefront architecture with large show windows that are interrupted at regular intervals by generous entrances, overhangs, and other transitional elements; a 21-story tower constructed of painted cement, blue glass windows in aluminum frames, projecting glass balconies and a cantilevered building cap.

The Architectural Review Board voted 5-2 to deny the application as submitted. Pursuant to Section No. 400.230 "Appeals", an aggrieved party may, within 15 days of the decision for which redress is sought, file with the Board of Aldermen a written request for reconsideration and appeal of any decision of the Architectural Review Board. The written request set forth in a concise manner the decision being appealed and all grounds known to the appellant as to wherein and why the decision is allegedly in error.

On September 3, 2014, the City received a letter dated September 3, 2014, from Timothy Tryniecki, attorney representing GTE Properties, appealing the Architectural Review Board's decision to deny the proposed project. The appeal speaks to the project's design, materials, and compatibility with the surrounding neighborhood.

At the last meeting this was sent back to the Architectural Review Board for re-study and they subsequently brought a recommendation to approve the modified proposal, 4 to 2 vote. Staff's recommendation is to consider the applicant's written request to appeal ARB decision and consider the prior decision of the ARB and at its sole discretion receive additional evidence in a matter that it deems appropriate in light of the circumstances the Board shall approve, modify, or disapprove the application.

In response to Alderman Harris' question, City Manager Owens explained that the Board asked the ARB to provide advice to come back to the Board to affect decision on the request.

City Attorney O'Keefe added that the appeal vests the matter in the Board of Aldermen. The Board requested that since there were some changes by the appellant that those changes are looked at by the ARB and their advice given to the Board. The matter still rests with the Board who has the benefit of the recommendation now of the ARB as to the revised plan. Under the ordinances the Board has the authority to modify the application being appealed from and in keeping with stating motions in the affirmative it would probably be in order to entertain a motion to (1) take the appeal on the record that has already been produced or available; (2) to treat the appeal to modify the decision appealed from by approving the revised plan recommended to you by the ARB and thereby approve the revised.

**Alderman Harris moved to sustain the appellant's appeal, modify the decision of the ARB by approving the revised plan as to which they recommended approval at the September 15, 2014 meeting. Alderman Garnholz seconded.**

**The motion passed unanimously on a voice vote.**

AN ORDINANCE TO CONSIDER APPROVING A DEVELOPMENT AGREEMENT RELATED TO the CROSSING IN CLAYTON REDEVELOPMENT CORPORATION REDEVELOPMENT PLAN AND AUTHORIZING CERTAIN ACTIONS IN CONNECTION THEREWITH

City Manager Owens reported that the Development Agreement is the enactment of a specified plan with the developer, GTE Properties, LLC, who intends to redevelop an area located in the southwest quadrant of the intersection of Bonhomme Avenue and Meramec Avenue (the "Redevelopment Area") as a 26-story apartment tower. The tower is expected to include 20 levels of apartments (approximately 250 total apartments), four levels of parking, ground-floor retail and a top floor "amenities" level. To assist in financing this redevelopment, the Developer submitted a Development Plan to the City pursuant Chapter 353 of the Revised Statutes of Missouri ("Chapter 353") requesting 50% real property tax abatement for 20 years following the completion of the project (2017 through 2036). The Board of Aldermen approved the Development Plan on July 22, 2014 by adoption of Ordinance No. 6328. Notwithstanding the prior approval of the Development Plan, the Developer has no rights to receive the tax abatement contemplated by the Development Plan until it enters into a Development Agreement with the City.

The proposed ordinance approves the Development Agreement. Attached hereto is a memorandum from the City's special counsel, Gilmore & Bell, P.C., summarizing the terms of the proposed Development Agreement. Jack Holloran, Architect, addressed the Board, and provided a PowerPoint presentation that showed the new design features.

In light of public testimony, the Developer has agreed not to name the apartment tower "The Crossing" or "Crossings". The agreement does not include this clause; however, prior to passage the clause will be included.

City Attorney O'Keefe clarified that the bill that is circulated before the Board that includes the exhibit being the version of the development agreement dated September 22, 2014.

Recommendation is to approve the ordinance.

**Alderman Harris introduced Bill No. 6467, an ordinance approving a development agreement for The Crossing Development Project for the first time by title only. Alderman Garnholz seconded.**

**City Attorney O'Keefe reads Bill No. 6467 first reading, An Ordinance Approving A Development Agreement Related To The Crossing In Clayton Redevelopment Corporation Redevelopment Plan And Authorizing Certain Actions In Connection Therewith.**

**The motion passed unanimously on a voice vote.**

**Mayor Sanger moved that the Board approve consideration of Bill No. 6467 for passage at tonight's meeting. Alderman Garnholz seconded.**

**The motion passed unanimously on a voice vote.**

**Alderman Harris introduced Bill No. 6467, an ordinance to consider approving a development agreement for The Crossing Development Project for the second time by title only. Alderman Garnholz seconded.**

*Alderman Harris' statement, "I am a strong supporter of our downtown master plan and our goal of increased residential density. I have thought long and hard about this opportunity to make strides toward fulfilling that plan and I recognize that this is the right kind of project and the right development to do this. I agreed with the development plan back in July and concepts, but I have some concerns. I underestimated the number of questions and concerns that have arisen throughout this process and even more importantly I underestimated the number and timing of similar residential projects both in Clayton and in Richmond Heights therefore in our School District that with this as a precedent could dramatically increase the financial burden on our schools. At*

*this point I feel compelled to view this development plan within the context of this evolving landscape. Thank you.”*

Alderman Boulton statement, *“Clayton Schools are really important to me, that is why I moved here; that’s why many of us moved here. They’re synergistic, Clayton and the schools, there’s no other two ways about it. Consequently I’ve spent a lot of time thinking about this and reading School Board documents, which you guys work hard, and I’m just convinced that this project is not going to put the School District at risk. But I do think it is very important for any future tax abatements that we work closely with the School District understanding their marginal costs, understanding their capacities so that we don’t put them at any risk. So I do want you to know School Board that we hear you and we are well aware of it, and understand that our symbiotic relationship.”*

**City Attorney O’Keefe reads Bill No. 6467 second reading and consideration for approval, An Ordinance Approving A Development Agreement Related To The Crossing In Clayton Redevelopment Corporation Redevelopment Plan And Authorizing Certain Actions In Connection Therewith.**

**Alderman Harris – Nay; Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; Alderman Lintz – Aye; and Mayor Sanger – Aye. The Bill was adopted and became Ordinance No. 6341 of the City of Clayton.**

**A PUBLIC HEARING AND AN ORDINANCE TO APPROVE A SUBDIVISION PLAT/LOT CONSOLIDATION FOR 212, 214, 216 SOUTH MERAMEC AVENUE AND 7912, 7922 BONHOMME AVENUE**

**Mayor Sanger opened the public hearing and requested proof of publication.**

City Manager Owens reported that this is a public hearing and subsequent ordinance to consider approving a major subdivision plat to consolidate the lots of subject project. The plat, as presented, will consolidate Lots 10, 11, 12, and 13 of Block 7 of the Town of Clayton to a new 29,735-square-foot lot named Lot A. The plat shows a dedication to the City of Clayton of 4-feet on the north side of the east-west alley to allow the alley to be widened from 20 feet to 24 feet in conformance with the City’s standard.

The Plan Commission considered this request at its September 02, 2014 meeting and voted unanimously to recommend approval. Recommendation is to approve the ordinance.

**Mayor Sanger closed the public hearing.**

**Alderman Harris introduced Bill No. 6468, an ordinance to approve a lot consolidation plat for 7912 and 7922 Bonhomme Avenue, 212, 214 and 216 S. Meramec Avenue for the first time by title only. Alderman Garnholz seconded.**

**The motion passed unanimously on a voice vote.**

**City Attorney O’Keefe reads Bill No. 6468 first reading, An Ordinance Providing For The Approval Of A Plat To Consolidate Certain Property Located In The City Of Clayton, Missouri.**

**The motion passed unanimously on a voice vote.**

**Mayor Sanger moved that the Board approve consideration of Bill No. 6468 for passage at tonight’s meeting. Alderman Garnholz seconded.**

**The motion passed unanimously on a voice vote.**

**Alderman Harris introduced Bill No. 6468, an ordinance to approve a lot consolidation plat for 7912 and 7922 Bonhomme Avenue, 212, 214 and 216 S. Meramec Avenue for the second time by title only. Alderman Garnholz seconded.**

**City Attorney O'Keefe reads Bill No. 6468 second reading and consideration for passage, An Ordinance Providing for the Approval of a Plat to Consolidate Certain Property Located in the City of Clayton, Missouri.**

**Alderman Harris – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; Alderman Lintz – Aye; and Mayor Sanger – Aye. The Bill was adopted and became Ordinance No. 6342 of the City of Clayton.**

Other

Alderman Harris commended the Shakespeare in the Streets event, fantastic!

There being no further business the meeting was adjourned at 9:30 p.m.

---

Mayor

ATTEST:

---

City Clerk